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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW MICHAEL GINN,

Defendant.

CR 17-94-BLG-SPW

OFFER OF PROOF

The defendant, Andrew Michael Ginn, is charged by indictment with possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1).

PLEA AGREEMENT

There is no plea agreement. The defendant will plead guilty to the indictment. Resolution of the case without a plea agreement is the most favorable resolution for the defendant. *See Missouri v. Frye*, 566 U.S. 133 (2012).

ELEMENTS OF THE CHARGE

In order for Ginn to be found guilty of possession with intent to distribute methamphetamine as charged in the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

Possession with the intent to distribute methamphetamine

First, the defendant knowingly possessed methamphetamine; and

Second, the defendant did so with the intent to deliver it to another person.

PENALTY

This offense carries a maximum punishment of twenty years imprisonment, a \$1,000,000 fine, at least three years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On December 29, 2016, officers were dispatched to the Motel 6 in Billings. The cleaning crew found what they believed to be drugs in a room that Ginn had rented and had already checked out of. While the officers were at the Motel 6, they saw Ginn drive by, in the parking lot, in a dark gray Honda. The officers located the Honda at another business close by.

The Billings drug task force was called and responded both to the Motel and to the location of the Honda. In the interim, a K-9 indicated for the presence of drugs on the driver's side door of the Honda. The task force obtained warrants for both the motel room and the Honda.

In the Honda, law enforcement seized three guns and ammunition as well as over 4 grams of pure methamphetamine. In the motel room, law enforcement seized over 67 grams of pure methamphetamine, a scale, numerous baggies, and a bunch of marijuana.

DATED this 30th day of January, 2018.

KURT G. ALME
United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney